

REMARKS

These remarks are set forth in response to the non-final office action mailed April 25, 2005 (the “Office Action). As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 10 are pending in the Patent Application. Claims 1, 7 and 8 are independent in nature. In the Office Action, each of claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,206,899 to Gupta et al. (Gupta) in view of United States Patent No. 6,785,372 to Moss et al. (Moss). In response, the Applicants respectfully traverse the Examiner's rejections on the art.

Prior to addressing the rejections on the art, however, a brief review of the Applicants' invention is appropriate. The Applicants have invented a method, system and apparatus for managing a subscription service. As used herein, a subscription service can include a consumer or commercial service in which a term can be specified during which term the service can be provided. Examples include the rental of a film, the rental of an automobile, and the rental of a home appliance or a commercial tool, and the provision of consumable materials such as food items, drink items, magazines, newspapers and the like, to name but a few. The subscription service in accordance with the present invention can be renewed for the pre-specified term, or extended for a period of time which differs from the term.

In either circumstance, the subscription service can be operated automatically through identifying information resolved within the PSTN and provided to the service provider electronically concurrently with the placement of a telephone call by the service consumer to the service provider. Significantly, as shown in Figure 1 of the Patent Application, *the identifying*

information can be resolved externally to the service provider within the PSTN. In this way, the service provider can manage the subscription service without first prompting the service consumer for identifying information.

Turning now to the rejections on the art, Gupta relates to the provisioning of outbound telecommunications services in which a subscriber can, from any location, change certain characteristics, such as billing options, of outbound telephone calls made from one or more target stations. The identity of the target station with respect to the communications network, specifically the Automatic Number Identification (ANI) of the station, need not be changed. Moss, by comparison, relates to providing prepaid local telephone services. In the Moss system, subscribers can be identified using ANI just as in the case of Gupta.

Importantly, Section 2143 of the Manual of Patent Examining Procedure (MPEP) required that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. In this regard, the recitation of either or both of Gupta and Moss cannot satisfy the three basic criteria of Section 2143 of the MPEP because both Gupta and Moss lack an essential claimed feature of the Applicants' invention.

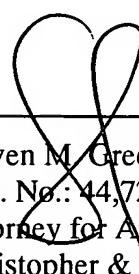
Specifically, claims 1 and 7 each require that a calling service subscriber is identified through identifying information received externally to the telephone call placed by the subscriber. Yet, in both Gupta and Moss, the identity of the subscriber is obtained through

identifying information received internally to the telephone call placed by the subscriber-- namely the ANI information which is included at the header of the telephone call as described in column 2 lines 67 and 68 of Gupta, and in column 7, lines 49 through 51 of Moss. As it is known in the art, ANI information is provided by sending the digital tone multi frequency (DTMF) tones identifying the calling party along with the call.

Thus, the Applicants believe that claims 1-10 distinguish over the cited art and stand patentable and ready for an indication of allowance. To that end, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a) owing to the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: April 25, 2005


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